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June 23, 2016

*Via FOIA Online*

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Mail Code 2822T

RE: Freedom of Information Act Request for Information Related to the  
Environmental Protection Agency's Emissions Estimating Methodologies Process  
for Animal Feeding Operations

Dear National Freedom of Information Officer,

In accordance with the Freedom of Information Act (FOIA), 5 U.S.C. §552, and pursuant to U.S. Environmental Protection Agency (EPA) regulations set forth in 40 CFR § 2, Environmental Integrity Project (EIP) hereby requests EPA to send copies of all records described in this letter to the address below. EIP asks that you respond to this request, in accordance with FOIA and EPA regulations, within twenty working days of the date on which the FOI Office receives and logs the request.

This request applies to agency files in any form, and also covers any non-identical duplicates of records that by reason of notation, attachment or other alteration or supplement includes any information not in the original record. This request does not exclude additional records that, though not specifically requested, have a reasonable relationship to the subject matter of this request.

### **RECORDS REQUESTED**

EIP requests records related to EPA's Emissions Estimating Methodology (EEM) process for Animal Feeding Operations (AFOs), EPA's National Air Emissions Monitoring Study (NAEMS), the Science Advisory Board's (SAB) April 19, 2013 Report on EPA's draft EEMs for broiler AFOs and for lagoons and basins at swine and dairy AFOs (hereinafter referred to as the SAB Report), and two pending citizen petitions to regulate AFO air emissions. Unless otherwise stated, EIP is only requesting records and communications dated on or after August 2015. We request the following records:

- 1) All records, including all communications, shared or otherwise maintained, not including monitoring data, in connection with the NAEMS study, between EPA staff and NAEMS study participants and researchers, including but not limited to:
  - The SAB AFO Emissions Review Panel, including individual members;
  - Purdue University staff, including but not limited to NAEMS Science Advisor Albert Heber;
  - The Agricultural Air Research Council or any of its members or representatives;
  - The Agricultural Air Quality Task Force or any of its members or representatives;
  - Industry organizations representing AFOs and CAFOs, including but not limited to the National Chicken Council, the American Farm Bureau Federation, and the National Pork Producers Council;
  - Attorneys, lobbyists, or other representatives of the livestock industry or specific livestock interest groups;
  - Owners or operators of participating AFOs.
- 2) All records, including all communications, related to the April 2013 SAB Report.
- 3) All records, including all communications, shared or otherwise maintained in connection with EPA's EEM development process between EPA staff and persons or organizations involved in the EEMs process, including but not limited to:
  - The SAB Animal Feeding Operations Emission Review Panel, including individual members;
  - Purdue University staff, including but not limited to NAEMS Science Advisor Albert Heber;
  - The Agricultural Air Research Council or any of its members or representatives;
  - The Agricultural Air Quality Task Force or any of its members or representatives;
  - Industry organizations representing AFOs and CAFOs, including but not limited to the National Chicken Council, the American Farm Bureau Federation, and the National Pork Producers Council;
  - Attorneys, lobbyists, or other representatives of the livestock industry or specific livestock interest groups;
  - Owners and operators of participating AFOs;
  - Citizens or organizations inquiring about the EEMs process.
- 4) All internal EPA communications related to the NAEMS or AFO EEM development process.
- 5) Studies, summaries, or reports created from or related to the EEM process, not including the SAB Report and related documents available on EPA's website.
- 6) All records, including all external and internal communications, shared or otherwise maintained by EPA, related to the April 5, 2011 Environmental Integrity Project et al. petition for the regulation of ammonia as a criteria pollutant under Clean Air Act sections 108 and 109.

- 7) All records, including all external and internal communications, shared or otherwise maintained by EPA, related to the September 21, 2009 Humane Society of the United States, et al. petition to list concentrated animal feeding operations under Clean Air Act Section 111(B)(1)(A) of the Clean Air Act, and to promulgate standards of performance under Clean Air Act Sections 111(B)(1)(B) and 111(D).

The use of the word “record” above includes, but is not limited to, documents in all forms (including electronic), information, emails, faxes, letters, comments, reports, summaries of telephone conversations, handwritten notes, meeting minutes, or any other materials. EPA need not produce documents that are currently available at <http://yosemite.epa.gov/sab/sabpeople.nsf/WebCommittees/BOARD> or elsewhere on EPA’s website.

### **CLAIMS OF EXEMPTION OF DISCLOSURE**

If you regard any requested documents as exempt from required disclosure under FOIA, EIP asks that you please exercise your discretion to disclose them. After careful review for the purpose of determining whether any of the information is exempt from disclosure, please provide any reasonably non-exempt portions of exempt records and communications, as required by FOIA.

Rather than waiting until all requested records and communications have been assembled for the time period requested, EIP asks that you disclose this information as it becomes available to you. Should you elect to invoke an exemption to FOIA, please provide the required full or partial denial letter and sufficient information to appeal the denial.

In accordance with the minimum requirements and regulations of your due process, this information should include:

- 1) Basic factual material, including the author, origin, date, length, and address of withheld items;
- 2) Explanations and justifications for denial, including identification of the exemption applicable to the withheld information or portions of the information found to be subject to exemption, and how each exemption applies to the material withheld; and
- 3) An index of any withheld or redacted documents.

### **INSTRUCTIONS FOR RECORD DELIVERY**

Please provide the requested records as you collect and review them. To the extent that the requested records are available in a readily accessible electronic format, we would prefer to receive the documents electronically, either by email or on a CD. If electronic copies are unavailable, we will accept paper copies. Please send records to Abel Russ at [aruss@environmentalintegrity.org](mailto:aruss@environmentalintegrity.org), or Flora Ji at [fji@environmentalintegrity.org](mailto:fji@environmentalintegrity.org), or mail them to:

Mr. Abel Russ/ Ms. Flora Ji  
Attorney  
Environmental Integrity Project  
1000 Vermont Ave. NW Suite 1100  
Washington, DC 20005

In the event that you have any questions concerning the type of materials we are interested in receiving, please contact me by email or by telephone at 802-662-7800.  
Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Flora Ji', written in a cursive style.

Flora Ji